

ORDINANCE NO. 2024- 19
OF THE TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE TO AMEND THE
TOWN OF ZIONSVILLE ZONING ORDINANCE
FOR THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

Plan Commission Petition No. 2024-36-Z

WHEREAS, I.C. §36-7-4, et seq. empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana; and

WHEREAS, in accordance with IC. 36-7-4-600 et seq. the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on June 17, 2024 to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance") filed as petition 2024-36-Z (the "Petition"); and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a unanimous favorable recommendation on June 17, 2024 (Exhibit A); and

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Petition to amend the Ordinance at its regular meeting on July 15, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36-7-4- 600 et. seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:

Section 1. The Zoning Ordinance for the Town of Zionsville Boone County, Indiana, is amended as follows:

- A. 1.29+/- acres described in the Certification attached hereto as Exhibits A and B is rezoned from the Urban Single-Family Residential (R-SF-2) district to the Urban Neighborhood Business (B-1) district.
- B. The Planning Director shall cause the Town's Zoning Base Map to be amended to reflect this change in zoning.

Section 2. Conditions and Commitments. The Petition and this rezoning is subject to the written commitments attached hereto if any.

Section 3. Savings Clause: If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Construction of Clause Headings: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 5. Repeal of Conflicting Ordinances: The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 6. Severability: If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 7. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

DULY PASSED AND ADOPTED this 15th day of July, 2024, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of seven (7) in favor and zero (0) opposed.

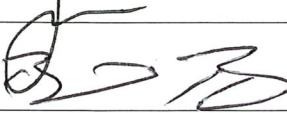
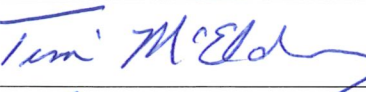
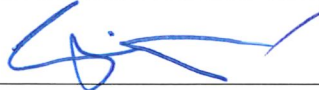
This Ordinance was prepared by Jon Oberlander, Chief Legal Counsel, on July 8, 2024, at 3:21 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

Ordinance 2024-19

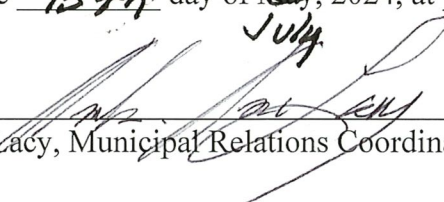
**TOWN COUNCIL OF THE TOWN
OF ZIONSVILLE, BOONE COUNTY, INDIANA
(Signatures of Council Members)**

YEA

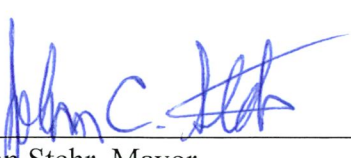
NAY

Jason Plunkett, President		
Brad Burk, Vice President		
Tim McElderry		
Craig Melton		
Evan Norris		
Sarah Esterline Sampson		
Joe Stein		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor John Stehr on the 15th day of ~~May~~ ^{July}, 2024, at 11:00 A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**


John Stehr, Mayor

7-15-24
DATE

**MAYOR'S
VETO**

John Stehr, Mayor

DATE

EXHIBIT A

Plan Commission Certification

[attached]

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 06-08-36-000-002.000-006

Part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East, being more particularly described as follows: Commencing at the Southeast corner of said quarter section; thence South 90°00'00" West (assumed basis of bearing) along the South line of said quarter section, 1144.70 feet; thence North 00°05'05" East 248.14 feet; thence North 22°57'51" West 456.74 feet; thence North 22°33'31" West 75.01 feet to the POINT OF BEGINNING; thence North 68°17'28" East 257.46 feet to the centerline of U.S. 421 (Michigan Road); thence Northwesterly along said centerline, being on a 20 minute curve to the right, 139.80 feet (chord distance); thence South 70°43'27" West 258.72 feet; thence South 22°33'31" East 150.79 feet to the POINT OF BEGINNING.

EXHIBIT B**PARCEL I:**

Part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East, more particularly described as follows: From the southwest corner of said quarter measure East along the South line thereof 1625.70 feet, more or less, to a point 1048.70 feet West of the Southeast corner of said quarter for a place of beginning, thence deflecting Left 89 degrees 55 minutes measure Northerly 271.64 feet, thence deflecting Right 76 degrees 18 minutes measure Northeasterly 162.44 feet to the center line of the Michigan Road (State Road 29), thence deflecting Right 80 degrees 20 minutes measure Southeasterly with same 337.10 feet to the South line of said quarter, thence West with said South line 291.30 feet to the place of beginning. (FOR REF. ONLY: Contains 1.7 acres, more or less.)

EXCEPT THEREFROM THE FOLLOWING: Part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East in Boone County, Indiana, more particularly described as follows: Commencing at the southwest corner of the southeast quarter of Section 36, Township 18 North, Range 2 East; thence north 90 degrees 00 minutes 00 seconds east (assumed bearing) on and along the south line of said southeast quarter 1625.70 feet to the southeast corner of real estate described in a Warranty Deed, recorded in Deed Record 194, Page 977 in the Office of the Boone County Recorder; thence north 00 degrees 04 minutes 00 seconds east on and along the east line of said real estate 230.47 feet to the place of beginning of this tract; thence continuing north 00 degrees 04 minutes 00 seconds east on and along said east line and the northerly prolongation thereof 41.17 feet to the north line of a tract of land described in a Warranty Deed recorded June 14, 1972, in Deed Record 193, Page 26, in the Office of the Boone County Recorder; thence north 76 degrees 23 minutes 00 seconds east on and along said north line 162.77 feet to the centerline of U.S. Highway No. 421; thence south 23 degrees 18 minutes 00 seconds east on and along said centerline 40.58 feet; thence south 76 degrees 23 minutes 00 seconds west parallel with the aforesaid north line 179.33 feet to the place of beginning. (FOR REF. ONLY: Contains .16 acre, more or less.)

ALSO EXCEPT: A part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East, of the Second Principal Meridian, Boone County, Indiana described as follows: Commencing at the southeast corner of said section; thence South 88 degrees 31 minutes 29 seconds West 1048.70 feet (distance quoted from Deed Record 251, Page 482) along the south line of said quarter section to the southwest corner of the owner's land; thence North 1 degree 23 minutes 31 seconds West 12.192 meters (40.00 feet) along the west line of the owner's land to the north boundary of State Road 334 and the POINT OF BEGINNING of this description; thence North 1 degree 23 minutes 31 seconds West 4.195 meters (13.76 feet) along said west line of the owner's land; thence North 88 degrees 35 minutes 31 seconds East 46.767 meters (153.44 feet); thence North 2 degrees 36 minutes 03 seconds West 28.424 meters (93.25 feet); thence North 18 degrees 00 minutes 55 seconds West 25.179 meters (82.61 feet); thence North 24 degrees 51 minutes 29 seconds West 10.648 meters (34.93 feet) to the northern line of the owner's land; thence North 74 degrees 54 minutes 29 seconds East 2.801 meters (9.19 feet) along said northern line to the western boundary of U.S. 421; thence South 24 degrees 51 minutes 29 seconds East 73.135 meters (239.94 feet) along said western boundary of U.S. 421 to the north boundary of the aforesaid State Road 334; thence South 88 degrees 31 minutes 29 seconds West 66.568 meters

(218.40 feet) along said north boundary of State Road 334 to the point of beginning and containing 0.076 hectares (0.188 acres), more or less.

Property Address: 11602 N. Michigan Road, Zionsville, IN 46077
 Tax ID No.: 06-08-36-000-038.000-006
 Parcel No.: 019-13397-12

PARCEL II:

Part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East, Second Principal Meridian, Boone County, Indiana, and being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 36, Township 18 North, Range 2 East, Second Principal Meridian, Boone County, Indiana; thence South 88 degrees 58 minutes 29 seconds West (Indiana State Plane Coordinate System - Indiana West Zone NAD83) a distance of 1424.86 feet on the South line of said Southeast Quarter to the Southeast corner of the real estate described in Instrument No. 0210049 in the Office of the Recorder, Boone County, Indiana; thence North 00 degrees 56 minutes 26 seconds West 356.92 feet on the East line of the real estate described in said Instrument No. 0210049 to a five-eighths inch diameter rebar with yellow cap stamped WEIHE ENGR 0012 ("capped rebar") at the Northeast corner thereof, being on a South line of the real estate described in Instrument No. 0102518 in said Recorder's Office; thence North 88 degrees 58 minutes 29 seconds East 231.47 feet on a South line of the real estate described in said Instrument No. 0102518; thence North 23 degrees 36 minutes 36 seconds West 335.33 feet on an Easterly line of the real estate described in said Instrument No. 0102518 to a "capped rebar" at the POINT OF BEGINNING; the following three (3) courses follow the perimeter lines of the real estate described in said Instrument No. 0102518; 1.) thence North 67 degrees 10 minutes 05 seconds East 254.15 feet to the centerline of Michigan Road, being the point of intersection of a non-tangent curve, concave Northeasterly, the radius point of which bears North 66 degrees 16 minutes 28 seconds East 17,188.73 feet from said point; 2.) thence Northwesterly 75.00 feet on said centerline and on said curve to the right, said curve being subtended by a chord bearing North 23 degrees 36 minutes 02 seconds West 75.00 feet, to a non-tangent line; 3.) thence South 67 degrees 10 minutes 05 seconds West 256.14 feet to a one-half inch diameter rebar; thence South 25 degrees 07 minutes 15 seconds East 75.00 feet to the POINT OF BEGINNING.

EXCEPT the real estate described in a Warranty Deed to the State of Indiana recorded April 4, 2001, as Instrument No. 0103695 and re-recorded September 4, 2001, as Instrument No. 0411851, in the Office of the Recorder, Boone County, Indiana, being more particularly described as follows, to-wit: A part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, and being all that part of the owner's land lying within the rightof way lines of Parcel 48 as depicted on the attached Right of Way Parcel Plat, also described as follows: Commencing at the southeast corner of said quarter section; thence South 88 degrees 31 minutes 29 seconds West 1595.02 feet (distance quoted from Deed Record 227, page 577) along the south line of said quarter section to the southeast corner of the owner's land; thence North 1 degree 23 minutes 26 seconds West 356.92 feet (distance quoted from said Deed Record 227, page 577) along the east line of the owner's land to a corner thereof, thence North 88 degrees 31 minutes 26 seconds East 404.06 feet (distance quoted from said Deed Record 227, page 577) along the south line of the owner's land to the southeast corner thereof; thence North 24 degrees 26 minutes 22 seconds West 338.59 feet (distance quoted from said Deed Record 227, page 577) along the northeastern line of the owner's land to a corner thereof; thence North 66 degrees 48 minutes 57 seconds East 62.170 meters (203.97 feet) along the

MTC File No.: 23-12466 (UD)

southeastern line of the owner's land to the southwestern boundary of U.S. 421 and the POINT OF BEGINNING of this description: thence South 66 degrees 48 minutes 57 seconds West 3.049 meters (10.00 feet) along the southeastern line of the owner's land; thence North 20 degrees 24 minutes 21 seconds West 4.521 meters (14.83 feet) to point "851" as shown on said Right of Way Parcel Plat; thence North 13 degrees 33 minutes 49 seconds West 15.299 meters (50.19 feet) to point "656" as shown said plat, said point "656" lying on the southwestern boundary of said U.S. 421; thence along the boundary of said U.S. 421 Southeasterly 19.602 meters (64.31 feet) along an arc to the left and having a radius of 5190.873 meters (17030.42 feet) and subtended by a long chord having a bearing of South 23 degrees 58 minutes 55 seconds East and a length of 19.602 meters (64.31 feet) to the point of beginning and containing 0.003 hectares (0.008 acres), more or less.

ALSO EXCEPT, a part of the Southeast Quarter of Section 36, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, and being all that part of the owner's land lying within the right of way lines of Parcel 48A as depicted on the attached Right of Way Parcel Plat, also described as follows: Commencing at the southeast corner of said quarter section; thence South 88 degrees 31 minutes 29 seconds West 1595.02 feet (distance quoted from Deed Record 227, page 577) along the south line of said quarter section to the southeast corner of the owner's land; thence North 01 degree 23 minutes 26 seconds West 12.192 meters (40.00 feet) along the east line of the owner's land to the north boundary of State Road 334 and the POINT OF BEGINNING of this description; thence South 88 degrees 31 minutes 29 seconds West 22.973 meters (75.37 feet) along the boundary of said State Road 334 to the west line of the owner's land; thence North 1 degree 23 minutes 31 seconds West 6.566 meters (21.54 feet) along said west line; thence North 88 degrees 48 minutes 58 seconds East 22.973 meters (75.37 feet) to the east line of the owner's land; thence South 01 degree 23 minutes 26 seconds East 6.450 meters (21.16 feet) along said east line to the point of beginning and containing 0.015 hectares (0.037 acres), more or less.

Containing after said exception 0.43 acres, more or less.

Property Address: 11638 N. Michigan Road, Zionsville, IN 46077
 Tax ID No.: 06-08-36-000-018.007-006
 Parcel No.: 019-18220-07



**CERTIFICATION TO THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

TO: Town of Zionsville Town Council
FROM: Mike Dale, Director of Planning and Building Development
DATE: June 17, 2024
RE: Plan Commission Docket # 2024-36-Z
Zoning Map Change to rezone two parcels from the R-SF-2 to the B-1 district at
11644 & 11638 North Michigan Road

Be it advised that, pursuant to Indiana Code 36-7-4, on June 17, 2024, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of five (5) in favor and two (2) absent, forwarded a favorable recommendation to the Town Council regarding petition #2024-36-Z. The petitioner is requesting an amendment to the town's official zoning map that would change the zoning map designation for two parcels from Urban Single-Family Residential (R-SF-2) to Urban (B-1).

The Commission hereby certifies its favorable recommendation to the town council regarding petition #2024-36-Z to rezone 1.29± acres from R-SF-2 to B-1. The legal descriptions of the site are attached as Exhibit A (11644 N Michigan Rd) and Exhibit B (11638 N Michigan Rd). Supplemental information can be found here: [Staff-Report-with-Exhibits](#)

TOWN OF ZIONSVILLE ADVISORY PLAN COMMISSION

Chris Lake
Vice President – Presiding Officer

Mike Dale, AICP
Secretary